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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,093	09/09/2003	John G. Gilliland	0112300-1682	4315

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EXAMINER	
THOMASSON, MEAGAN J	
ART UNIT	**PAPER NUMBER**
3714	

NOTIFICATION DATE	DELIVERY MODE
09/25/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENTS@BELLBOYD.COM

Office Action Summary	Application No.	Applicant(s)	
	10/659,093	GILLILAND ET AL.	
	Examiner	Art Unit	
	Meagan Thomasson	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 June 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12,24 and 37-51* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12,24,37-51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/22/07,8/3/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The examiner acknowledges the amendments made to claims 1, 37,47 and 48. Claims 13-23 and 25-36 have been canceled.

Information Disclosure Statement

The information disclosure statement filed August 3, 2007, is acknowledged by the examiner but contains no references to be considered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson et al. (US 6,287,197 B1).

Regarding claim 1, Dickinson discloses a gaming device comprising a display device, a primary game operable for one or more plays based upon one or more credits inserted by a player, a plurality of different game display interfaces, i.e. themes, available for a single one of the plays based upon a single one of the wagers in the primary game and operable to be displayed by the display device to represent said

primary game to the player, wherein each interface includes a plurality of different symbols, wherein the symbols in each interface perform an identical function in the primary game with respect to corresponding symbols in the other interfaces, and wherein a plurality of the corresponding symbols in the interfaces are visually different from one another, and an event that causes the display device to switch from displaying one of the interfaces for the single play of said primary game to another one of the interfaces for the single play of said primary game.

Specifically, Dickinson discloses a video game wherein a player may select a theme (col. 6, lines 5-6), each theme having a plurality of symbols that are visually different (Fig. 4) but perform an identical function in the game. That is, regardless of which theme is chosen the game is played in the same way (i.e. the symbols of the selected theme are to be matched to one another).

Dickinson does not specifically disclose a player placing a wager upon the outcome of the game. However, Dickinson does disclose that the game may be implemented in a coin-operated gaming device (col. 2, lines 52-54), and thus it would have been obvious to one of ordinary skill in the art at the time of the invention to include placing a wager in the operating method of the invention disclosed by Dickinson. One would have been motivated to do so as Dickinson discloses that the game may be implemented in "virtually any video game which is to display multiple images", which may include slot machine-type casino games wherein a player places a wager in order to initiate said game.

Regarding claim 2, Dickinson discloses the event is the player's selection of an input device that enables the player to select to switch from one of the interfaces to another one of the interfaces (col. 5, lines 54-60).

Regarding claim 4, Dickinson discloses the gaming device comprising at least two of the interfaces include at least one visually identical symbol in Fig. 4, wherein the gaming device features multiple "Popcorn" themes.

Regarding claims 5 and 6, Dickinson discloses each symbol is one of the interface has a corresponding symbol in another one of the interfaces, if the term "corresponding" is interpreted to mean "To be similar or equivalent in character, quantity, origin, structure, or function" (as defined by the American Heritage Dictionary, www. Dictionary.reference.com). That is, Dickinson discloses interfaces the quantity of symbols in the "Blocks" theme corresponds to the quantity of symbols in the "Hands and Feet" theme. In these two themes, the corresponding symbols are provided in a same frequency.

Regarding claim 9, Dickinson discloses a plurality of symbols of one of the interfaces correspond to symbols in another one of the interfaces, and wherein the corresponding symbols have different but related indicia (Fig. 4, "Fast Food" and "Fruit" themes contain a plurality of symbols that are related as pertaining to edible objects).

Regarding claim 10, Dickinson discloses a plurality of symbols of one of the interfaces correspond to symbols in another one of the interfaces, and wherein the corresponding symbols have different and unrelated indicia (Fig. 4, "Frogs" and

"Mouths" themes contain a plurality of symbols that have different and unrelated indicia).

Regarding claim 11, each of the interfaces disclosed by Dickinson includes indicia consistent with a different game theme (Fig. 4).

Claims 3,12,24,37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson (US 6,287,197 B1) in view of Roffman et al. (US 6,375,568 B1).

Regarding claim 3, *Dickinson does not specifically disclose the gaming device is a slot game including a plurality of reels, wherein said symbols are displayed on the reels.* However, Roffman discloses an analogous gaming device wherein a player may choose the theme of a slot machine game (col. 7, lines 1-18; col. 8, lines 10-18). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Dickinson and Roffman as all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Regarding claim 12, *Dickinson does not specifically disclose each of the interfaces includes indicia consistent with a different game theme wherein each theme is selected from the group consisting of: a movie theme, a television show theme, a music theme, a famous person/group theme, a sports theme, a famous historical event theme, and any combination thereof.* However, Roffman discloses an analogous

gaming device wherein a player may choose the theme of a slot machine game (col. 7, lines 1-18; col. 8, lines 10-18) from a general sports theme. That is, the interfaces a player may choose from include baseball, football, soccer, hockey, etc., which are of a sports theme (col. 7, lines 65-67).

Regarding claim 24, *Dickinson does not specifically disclose at least two of the interfaces are characterized by having payouts with different volatilities, payouts yielded different expected values, payouts with different eligibility requirements, and payouts with different triggering mechanism.* However, Roffman discloses that each game theme, or interface, has a different pay table (col. 8, lines 60-61; Table IB and Table IIB).

Regarding claim 37, *Dickinson does not specifically disclose a menu operable to be displayed to the player that displays the symbols of the interfaces to the player.* Instead, Dickinson discloses a menu containing the number of symbols in each interface. However, Roffman discloses menus to be displayed to the player that displays the symbols of the interfaces upon selection of an interface (Table IA, col. 9, lines 26-28).

Regarding claim 38, please see claim 2 above.

Regarding claim 39, please see claim 3 above.

Regarding claim 40, please see claim 4 above.

Regarding claims 41 and 42, please see claims 5 and 6 above.

Regarding claims 45 and 46, please see claims 9 and 10 above.

Claims 7,8,48,49 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson (US 6,287,197 B1) in view of Nakagawa et al. (US 6,168,519 B1).

Regarding claims 7,8 and 48, *Dickinson does not specifically disclose each symbol in one of the interfaces has a corresponding symbol in each of the other interfaces, wherein corresponding symbols are provided in a same frequency in each of the interfaces*. However, Nakagawa discloses a gaming device wherein a player may select an interface having a plurality of different symbols, each visually different but functionally identical, for use in a game. Specifically, a player may choose a team "interface" for use in a soccer game, wherein each team has a plurality of players, i.e. symbols, that are functionally identical, i.e. all capable of the same actions during game play, but visually different, i.e. having different and distinguishing uniforms, etc. Every team contains the same number of players for use at corresponding positions (e.g. both team Japan and team Argentina will have 11 players on the field, one player at each position of defender, midfielder, forward, etc.), as shown in Fig. 3.

Essentially, allowing a player to choose an "interface" is nothing more than allowing a player to set personal preferences for game play. In both inventions, a player is allowed to choose an interface containing symbols that appeal most to them, and therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Dickinson and Nakagawa in order to provide a player with a more personalized video gaming experience.

Regarding claim 49, please see claim 2 above.

Regarding claim 51, please see claim 4 above.

Claims 43,44 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson et al. (US 6,287,197 B1), Roffman et al. (US 6,375,568 B1), and further in view of Nakagawa et al. (US 6,168,519 B1).

Regarding claims 43 and 44, *Dickinson/Roffman does not specifically disclose each symbol in one of the interfaces has a corresponding symbol in each of the other interfaces, wherein corresponding symbols are provided in a same frequency in each of the interfaces.* However, Nakagawa discloses a gaming device wherein a player may select an interface having a plurality of different symbols, each visually different but functionally identical, for use in a game. Specifically, a player may choose a team "interface" for use in a soccer game, wherein each team has a plurality of players, i.e. symbols, that are functionally identical, i.e. all capable of the same actions during game play, but visually different, i.e. having different and distinguishing uniforms, etc. Every team contains the same number of players for use at corresponding positions (e.g. both team Japan and team Argentina will have 11 players on the field, one player at each position of defender, midfielder, forward, etc.), as shown in Fig. 3.

Essentially, allowing a player to choose an "interface" is nothing more than allowing a player to set personal preferences for game play. In both inventions, a player is allowed to choose an interface containing symbols that appeal most to them, and therefore it would have been obvious to one of ordinary skill in the art at the time of the

invention to combine the teachings of Dickinson, Roffman and Nakagawa in order to provide a player with a more personalized video gaming experience.

Regarding claim 50, please see claim 3 above.

Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson (US 6,287,197 B1) in view of Dumont (US 2004/0009804 A1).

Dickinson discloses a gaming apparatus wherein a player may select one of a plurality of different interfaces containing functionally identical but visually different symbols for game play, as described above. *Dickinson does not specifically disclose the symbols in each interface perform an identical function in the primary game in accordance with a paytable of the primary game*, as the game disclosed by Dickinson does not necessarily include a paytable. However, in an analogous gaming device, Dumont discloses a lottery-type game wherein a player may select a game theme from a plurality of game themes, each of said game themes including different game symbols (¶ 0037, 0050). In the invention disclosed by Dumont, a player is rewarded matching symbols, regardless of the theme of symbols the player has chosen.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Dickinson and Dumont to provide a gaming device wherein a player may select one of a plurality of different interfaces containing functionally identical but visually different symbols for game play wherein the symbols in each interface perform an identical function in the primary game in accordance with a paytable as all the claimed elements were known in the prior art and one skilled in the

art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results.

Response to Arguments

Applicant's arguments with respect to claims 1-12,24 and 37-51 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan Thomasson whose telephone number is (571) 272-2080. The examiner can normally be reached on M-F 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Meagan Thomasson
September 14, 2007

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TC3700